S.B. Criminal Misc. Bail Application No.2790/2006
S.B. Criminal Misc. Bail Application No.2792/2006

Date : 13.07.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Vijay Purohit for the applicants.
Mr. V.R. Mehta, Public Prosecutor.
Mr. Shambhoo Singh for the complainant.

Both these matter under Section 439 Cr.P.C. have been filed against FIR No.57/2006 Police Station, Siwana, District Barmer. Since, both the applications, arise out of same FIR, they are being disposed of by common order.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants with regard to Bhawani Singh is that he was not having Axe and having Lathi in his hand and the injury on the person of injured are not on vital part and not grievous in nature. With

regard to applicant Ummaid Singh, he does not want to press the bail application at present.

On the other hand, learned Public Prosecutor has opposed the bail application of applicant Bhawani Singh.

I have considered the submissions made before me and carefully perused the material available on record. In the present case, cross FIR has been lodged and specific role has been assigned for giving Axe blow on person of Arjun Singh alleged to have been grievous in nature. However, taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant Bhawani Singh on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Bhawani Singh son of Sohan Singh shall be released on bail in FIR No.57/2006 P.S. Siwana, District Barmer, provided he executes a personal bond in the sum of Rs.30,000/- with two

sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

The bail application moved on behalf of applicant Ummaid Singh stands dismissed as not pressed.

(SATYA PRAKASH PATHAK), J.